

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

After entry of the foregoing amendment, Claims 1, 2, 4-8 and 10-11 remain pending in the present application. Claim 9 is cancelled herein without prejudice or disclaimer as substantially overlapping in claim scope with that of allowed Claim 1. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 9 and 10 stand rejected under 35 U.S.C. §103 as being unpatentable over Wong (U.S. Patent Publication No. 2007/0277201, hereinafter Wong) in view of Horiuchi, et al. (U.S. Patent Publication No. 2003/0061618, hereinafter Horiuchi) and in further view of Matsugami (U.S. Patent Publication No. 2003/31927, hereinafter Matsugami); and Claims 1, 2, 4-8 and 11 stand allowed.

Applicants appreciatively acknowledge the identification of allowable subject matter.

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 9 and 10 under 35 U.S.C. §103 as being unpatentable over Wong in view of Horiuchi and in further view of Matsugami. Applicants respectfully traverse the rejection.

At the outset, Applicants note that Claim 9 has been cancelled as being substantially overlapping with respect to Claim 1. This is because Claim 9, as previously amended, included the means-plus-function structure of Claim 1. Likewise, Claim 10 also was amended to include the means-plus-function structure of Claim 1. Page 3 of the Official Action identifies the means-plus-function structure of Claim 1 as justification for allowance. Yet, the Office incorrectly states that Claim 10 does not include mean-plus-function features.

For example, the “setting” step includes setting by a setting means. Accordingly, Claim 10 is believed to be allowable over the cited references at least for the same rationale.¹

Therefore, Applicants respectfully request that the rejection of Claim 10 under 35 U.S.C. §103 be withdrawn.

CONCLUSION

If the Examiner believes that any additional formal matters need to be addressed in order to place this application in condition for allowance, the Examiner is respectfully requested to contact the undersigned, by telephone, at the Examiner’s convenience for addressing such issues.

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application is in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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¹ See page 3 of the Official Action (Section 2).